

REMARKS

In the Final Office Action dated April 5, 2010, the Examiner rejected claims 1, 3, 5, 19-56, 203, 204, 207-209, 219, 228-254, 259-271, and 277-284 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,482,233 to Aebi et al. ("Aebi") in view of U.S. Patent No. 6,592,624 to Fraser et al. ("Fraser"); and rejected claims 1, 3, 5, 19-56, 203, 204, 207-209, 219, 228-254, 259-271, and 277-284 under 35 U.S.C. § 103(a) as being unpatentable over Fraser in view of U.S. Patent No. 6,258,125 to Paul et al. ("Paul").

In Applicant's Response dated October 5, 2010, Applicant traversed the Examiner's rejections. Applicant maintains the traversal, and incorporates herein the remarks from that Response. Nonetheless, in order to expedite prosecution of the present application, Applicant is submitting concurrently herewith a Declaration of Gary K. Michelson under 37 C.F.R. § 1.131 establishing reduction to practice of the claimed invention prior to the earliest effective filing date of Fraser. Applicant submits that the rejections in view of Fraser have been rendered moot.

Under the "Response to Arguments" section of the Final Office Action, the Examiner contended that Applicant failed to establish satisfactory evidence of a reduction to practice of the invention prior to the effective date of the "unidentified reference." The Examiner further stated that there was no description of the evidence. The Declaration submitted concurrently herewith explicitly identifies Fraser, and includes a description of the evidence and how it relates to the subject matter of independent claims 1 and 219. Accordingly, Applicant submits that the current Declaration fully complies with MPEP § 715 and more than adequately establishes reduction to practice of the claimed invention prior to the earliest effective filing date of Fraser.

By establishing a date of invention prior to the earliest effective filing date of Fraser, Applicant does not concede that Fraser anticipates or renders obvious Applicant's claimed invention, and reserves the right to make such arguments if necessary in this application and/or in related applications or patents.

Applicant submits that independent claims 1 and 219 are patentable and that dependent claims 3, 5, 19-56, 203, 204, 207-209, 228-254, 259-271, and 277-291 dependent from independent claim 1 or 219, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

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By: _____



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